

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-</u>
v.	:	DATE FILED: <u>February 26, 2009</u>
JAMES HOWARD,	:	VIOLATIONS:
a/k/a "Jay Money"	:	18 U.S.C. § 371 (conspiracy - 1 count)
	:	18 U.S.C. § 1344 (bank fraud - 1 count)
	:	18 U.S.C. § 1028A (aggravated identity
	:	theft - 11 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282.
2. From on or about March 1, 2008 through on or about January 30, 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

JAMES HOWARD,
a/k/a "Jay Money,"

conspired and agreed with others, known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Citizens Bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person, during

and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5).

MANNER AND MEANS

3. Defendant JAMES HOWARD used stolen identification information to assist in cashing fraudulent checks and making fraudulent withdrawals.

4. Defendant JAMES HOWARD and Co-conspirator 1, an individual unknown to the grand jury, recruited a Citizens Bank teller, an individual known to the grand jury, to provide to defendant HOWARD, Co-Conspirator 1, and others account numbers, account balances, and the names, addresses and social security numbers of Citizens Bank account holders for cash.

5. The Citizens Bank teller improperly accessed computerized account information for Citizens Bank account holders and provided defendant JAMES HOWARD and Co-conspirator 1 with names, addresses, social security numbers, dates of birth, and account numbers of Citizens Bank account holders.

6. Defendant JAMES HOWARD paid the Citizens Bank teller for stolen identification information and provided that information to other individuals to create and cash fraudulent checks.

7. Defendant JAMES HOWARD and Co-conspirator 1 provided the Citizens Bank customer account information from the Citizens Bank teller to other individuals involved in the scheme who manufactured false photographic identifications in the name of those customers of Citizens Bank, using the picture of individuals recruited to act as “check runners,” for use in the cashing of fraudulent checks and making of fraudulent withdrawals from the accounts of

those Citizens Bank customers.

8. By this scheme, defendant JAMES HOWARD, Co-conspirator 1, and the Citizens Bank teller assisted other individuals involved in the scheme to obtain and attempt to obtain approximately \$83,284 from the cashing of fraudulent checks and making of fraudulent withdrawals from the accounts of Citizens Bank customers.

OVERT ACTS

In furtherance of the conspiracy, defendant JAMES HOWARD and his co-conspirators committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. At various times between on or about March 1, 2008 and on or about January 30, 2009, defendant JAMES HOWARD and Co-conspirator 1 recruited a Citizens Bank teller to improperly access computerized account information of customers of Citizens Bank and to provide them with personal identifying information and account information of Citizens Bank customers.

2. At various times between on or about May 18, 2008 and on or about January 30, 2009, the Citizens Bank teller provided defendant JAMES HOWARD and Co-conspirator 1 with multiple Citizens Bank customers' account and personal information, including names, social security numbers, account numbers, and account balances, for which defendant HOWARD paid the Citizens Bank teller.

3. At various times between on or about May 18, 2008 and on or about January 30, 2009, defendant JAMES HOWARD and Co-conspirator 1 provided other individuals with the Citizens Bank customer account and personal information that defendant HOWARD

and Co-conspirator 1 had received from the Citizens Bank teller.

4. Between on or about May 18, 2008 and on or about January 30, 2009, individuals to whom defendant JAMES HOWARD provided the customer account and personal information received from the Citizens Bank teller used this information to acquire or attempt to acquire approximately \$83,284 from Citizens Bank. These individuals, known as “check-runners,” presented fraudulent identification in the names of the account holders to Citizens Bank tellers and then withdraw money from, or cash counterfeit checks on, accounts belonging to those Citizens Bank account holders

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3-8 and Overt Acts 1-4 of Count One are re-alleged here.
2. From on or about March 1, 2008 through on or about January 30, 2009, in the Eastern District of Pennsylvania and elsewhere, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly executed, attempted to execute, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendant JAMES HOWARD used stolen account information to aid and abet in the manufacture of false identification documents and the cashing of fraudulent checks or the making of fraudulent withdrawals.
4. In furtherance of the scheme, E.C., an individual known to the grand jury, and another co-conspirator cashed the following counterfeit checks:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
05/29/08	Albany, NY	D.M.	\$4,008
05/29/08	Albany, NY	D.M.	\$2,000
05/29/08	Albany, NY	D.M.	\$4,109
05/29/08	Albany, NY	D.M.	\$1,800
05/30/08	Guilderland, NY	D.M.	\$4,105
05/30/08	Latham, NY	D.M.	\$2,,000

05/30/08	Latham, NY	D.M.	\$4,150
05/30/08	Latham, NY	D.M.	\$2,000
05/29/08	Loudinville, NY	H.B.	\$4,010
05/29/08	Loudinville, NY	H.B.	\$1,800
05/29/08	Albany, NY	H.B.	\$4,102
05/29/08	Albany, NY	H.B.	\$1,800
05/30/08	Albany, NY	G.S.	\$3,550
05/30/08	Albany, NY	G.S.	\$3,050

5. In furtherance of the scheme, three co-conspirators withdrew, and attempted to withdraw, the following amounts from the accounts of Citizens Bank account holders:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
01/08/09	New Castle, DE	A.M.	\$3,200
01/08/09	Newark, DE	A.M.	\$3,200
01/14/09	Wilmington, DE	R.P.	\$3,500 attempt
01/14/09	Newark, DE	A.P.	\$3,200
01/15/09	Dover, DE	A.P.	\$3,500
01/15/09	Dover, DE	A.P.	\$3,300 attempt
01/16/09	New Castle, DE	V.Y.	\$3,500
01/20/09	Newark, DE	C.C.	\$3,500
01/20/09	Newark, DE	C.C.	\$3,200
01/23/09	Medford, NJ	A.H.	\$3,200 attempt
01/27/09	Yonkers, NY	A.C.	\$3,200
01/28/09	Newtown, PA	A.C.	\$1,800
01/28/09	Richboro, PA	A.S.	\$2,500 attempt

05/29/08	Loudinville, NY	H.B.	\$1,800
05/29/08	Albany, NY	H.B.	\$4,102
05/29/08	Albany, NY	H.B.	\$1,800
05/30/08	Albany, NY	G.S.	\$3,550
05/30/08	Albany, NY	G.S.	\$3,050

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about May 18, 2008, through on or about May 30, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of D.M., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

From on or about May 20, 2008, through on or about May 30, 2008, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of H.B., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about May 22, 2008, through on or about May 30, 2008, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of G.S., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 6, 2009, through on or about January 8, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of A.M., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 13, 2009, through on or about January 14, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of R.P., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 14, 2009, through on or about January 15, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of A.P., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 4, 2009, through on or about January 16, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of V.Y., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 10, 2009, through on or about January 20, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of C.C., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 4, 2009, through on or about January 23, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of A.H., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 23, 2009, through on or about January 28, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of A.C., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 25, 2009, through on or about January 28, 2009, in the Eastern District of Pennsylvania, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and identifying information of A.S., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371 and 1344, set forth in this indictment, defendant

**JAMES HOWARD,
a/k/a “Jay Money,”**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this indictment, including, but not limited to, the sum of \$70,784.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

FOREPERSON

LAURIE MAGID
United States Attorney